

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA

v.

FRANKIE LEE BASKIN

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Crim. No. L-04-2355

MEMORANDUM AND ORDER

Pending before the Court is the Defendant's "Motion for Production of Document." (Dkt. 46.) On January 19, 2005, the Defendant pled guilty to transport of an undocumented alien within the United States by means of a motor vehicle for private financial gain. On December 6, 2005, he was sentenced to 12 months and one day of imprisonment and three years of supervised release. (Dkt. 35.) Also on December 6, 2005, the Defendant filed a Notice of Non-Appeal. (Dkt. 33.) Since that time, the Defendant has neither appealed nor filed a Motion to Vacate his sentence pursuant to 28 U.S.C. § 2255.


In his motion (Dkt. 46), the Defendant states that he "is Requesting for a onetime free fee for all and any Documents of his sentence and minute transcripts of December 6th 2005 or 15th 2005." He says that "[t]his is to prepare for his appeals." He says that he has asked for these materials before without

success. The Court can find no record of any prior requests for the production of documents from the Defendant in his official file.

There is no ongoing proceeding related to this case. The judgment became final almost eight years ago, and it is extremely unlikely that the Defendant could launch any valid appeal at this time. Accordingly, there is no statutory basis for providing a copy of the requested documents to the Defendant at the Government's expense.¹ Therefore, the Defendant's Motion (Dkt. 46) is DENIED.

However, if the Defendant is interested in receiving specific transcripts or documents at his own expense, he may contact the Clerk of the Court to request them.

DONE at Laredo, Texas, this 1st day of November, 2013.



George P. Kazen
Senior United States District Judge

¹ Pursuant to 28 U.S.C. § 753(f), the United States shall pay certain fees, but only when suit is currently pending and other conditions are met. See also United States v. Herrera, 474 F.2d 1049, 1049 (5th Cir. 1974) (per curiam) ("This Court has consistently held that a federal prisoner is not entitled to obtain copies of court records at the government's expense to search for possible defects merely because he is indigent.").